

**REMARKS/ARGUMENTS**

Favorable reconsideration and allowance of the present application is respectfully requested. Claims 1-31 are pending in the above application, of which claims 1 and 30 are independent. Claims 30 and 31 have been added by the above amendment.

The Office Action dated August 6, 2009, has been received and carefully reviewed. In that Office Action, claims 1, 4, 5, 7, 8, 10, 13, 15, 16, 20, 24 and 28 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. In addition, claims 1-6, 8-24 and 29 were rejected under 35 U.S.C. 102(b) as being anticipated by Ku, claim 7 was rejected under 35 U.S.C. 103(a) as being unpatentable over Ku in view of Hessari, claims 25-27 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ku in view of Smith, and claim 28 was rejected under 35 U.S.C. 103(a) as being unpatentable over Ku in view of Hashimoto. Each of these issues is addressed below, and reconsideration and allowance of claims 1-31 is respectfully requested in view of the above amendments and the following remarks.

**AMENDMENTS TO THE SPECIFICATION**

Section headings have been added to the specification by the above amendment.

**CLAIM REJECTIONS UNDER 35 U.S.C. 112, SECOND PARAGRAPH**

Claims 1, 4, 5, 7, 8, 10, 13, 15, 16, 20, 24 and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Applicant has amended some of these claims to address some of the rejections and traverses the rejections of other ones of these claims as set forth below.

Claim 1 has been amended to improve the readability of the limitation identified in the Office Action.

Claim 4 is rejected because the limitation "a predefined angle" is said to be indefinite because "it is not clear as to what the angle is." This rejection is respectfully traversed. An angular relationship between two elements can be recited without identifying a specific angle. One of ordinary skill in the art would understand that baffle plates can be arranged at a predefined angle without needing to know the specific angle. It is therefore respectfully submitted that the limitation of "a predefined angle" is clear and definite. If this rejection is maintained, it is respectfully requested that the examiner provide legal authority for holding a recitation of an angle to be indefinite unless a measure of the angle is specified.

Claim 4 is also rejected because the word "its" is said to be indefinite. Claim 4 has been amended to address this rejection.

Claim 5 is rejected because the word "it" is said to be indefinite. Claim 5 has been amended to address this rejection.

Claim 7 is rejected because the word "asymmetrical" is said to be indefinite "because there is nothing to compare the symmetry with." It is respectfully submitted that symmetry is not a relative term that requires comparison with another object to detect. Indeed, by definition, symmetry (or asymmetry) describes a relationship of one part of an object or shape to another part of the same object or shape. The rejection of claim 7 on the basis that the term "asymmetrical" is indefinite is therefore respectfully traversed.

Claim 8 has been amended to remove the word "free" in the phrase "a free cross

section" so that a "cross section" is now recited.

Claim 8 is also rejected as being indefinite because "an element" is recited without a further description of the claimed element. It is respectfully submitted that there is no legal requirement that an element or device or structure be described in any degree of detail to render a claim definite. The phrase "an element" is submitted to be a definite term, and claim 8 would allow one skilled in the art to understand that "an element" comprises part of the claimed invention. If the rejection of claim 8 is not withdrawn, it is respectfully requested that the examiner provide legal authority for requiring a further explanation of the nature of the claimed element in order to render the claim definite.

Claim 10 has been amended to remove the phrases "preferably" and "is particularly preferable."

Claim 13 has been amended to remove the phrase "and the like."

Claims 15 and 16 recite "a predefined distance" and "a predefined angle," respectively. These claims are said to be indefinite because a specific distance and a specific angle are not provided. As argued above in connection with claim 4, it is respectfully submitted that angles and distances can be recited in a claim and be definite without a numerical value being provided for the claimed angle or distance. If this rejection is maintained, it is respectfully requested that the examiner provide legal authority for finding the above-recited phrases to be indefinite.

Claim 20 is rejected because the phrase "infinitely adjustable" was said to be indefinite. It is not believed that the term "infinitely" is indefinite; however, in order to advance prosecution, the term "infinitely" has been replaced with the word "continuously." The phrase "continuously adjustable" has substantially the same

meaning and aptly describes the claimed feature of the invention.

Claim 24 has been amended to remove the phrase "and the like."

Claim 28 has been amended to remove the phrase "for example."

The withdrawal of the rejections of claims 1, 4, 5, 7, 8, 10, 13, 15, 16, 20, 24 and 28 under 35 U.S.C. 112, second paragraph, is respectfully requested in view of the foregoing amendments and remarks.

#### REJECTIONS UNDER 35 U.S.C. 102(b)

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Ku. Claim 1, as amended, recites an installation arrangement for an air-conditioning system with a heating apparatus having at least one housing in which air is fed in an at least partially predefined flow path and which has at least one heating apparatus and at least one actuating device. The heating apparatus is arranged in a first flow path and the actuating device is arranged at least partially in a second flow path. In at least a first position the actuating device causes substantially all air in the flow path to flow through the first flow path and the heating apparatus. In at least a second position, the actuating device permits air to flow through the second flow path without restricting airflow through said first flow path. Ku includes a temperature regulating door 16 in front of a partition 17. Partition 17 includes a first hole 171 and a second hole 172. It is not clear from Ku whether temperature regulating door 16 "causes substantially all air in the flow path to flow through the first flow path and the heating apparatus" as recited in claim 1, but it will be assumed, for sake of argument only, that this occurs. However, when temperature regulating door 16 uncovers first opening 171, it restricts air flow

through second hole 172. Ku therefore does not show an actuating device, that, in a second position, permits air to flow through a second flow path without restricting air flow through the first flow path as recited in amended claim 1. Claim 1 is submitted to be allowable over Ku for at least this reason.

Claims 2-29 depend from claim 1 and are submitted to be allowable for at least the same reasons as claim 1.

#### REJECTIONS UNDER 35 U.S.C. 103(a)

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ku in view of Hessari. Hessari does not address the shortcomings of Ku discussed above in connection with claim 1. Claim 7 is therefore submitted to be allowable for at least the same reasons as claim 1.

Claims 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ku in view of Smith. Claims 25-27 depend from claim 1. Smith does not address the shortcomings of Ku discussed above in connection with claim 1. Claims 25-27 are therefore submitted to be allowable for at least the same reasons as claim 1.

Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ku in view of Hashimoto. Claim 28 depends from claim 1. Hashimoto does not address the shortcomings of Ku discussed above in connection with claim 1. Claim 28 is therefore submitted to be allowable for at least the same reasons as claim 1.

#### NEW CLAIMS

New claims 30 and 31 are also submitted to be allowable over the art of record.

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Claim 30 recites an installation arrangement for an air-conditioning system with a heating apparatus that has a housing including a flow passage having an inlet and an outlet, a heating apparatus in the flow passage, a bypass passage for allowing a fluid in the flow passage to bypass the heating apparatus, and at least one actuating device in the bypass passage. The at least one actuating device is shiftable between a first position substantially blocking the bypass passage and a second position allowing fluid flow through the bypass passage without restricting fluid flow through the heating apparatus. The art of record does not show or suggest at least an actuating device in a bypass passage that allows fluid flow through a bypass passage without restricting fluid flow through a heating apparatus as recited in claim 30, and claim 30 is submitted to be allowable over the art of record for at least this reason.

Claim 31 depends from claim 30 and is submitted to be allowable for at least the same reasons as claim 30.

### **CONCLUSION**

Each issue raised in the Office Action dated August 6, 2009, has been addressed, and it is believed that claims 1-31 are in condition for allowance. Wherefore, reconsideration and allowance of these claims is earnestly solicited. If the examiner believes that any additional changes would place the application in better condition for allowance, the examiner is invited to contact the undersigned attorney at the telephone number listed below.

*Deposit Account Authorization*

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 50-3828 and please credit any excess fees to such deposit account.

Respectfully submitted,



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